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## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

MAR 16 2015

SUSAN BITTER SMITH – Chairman  
 BOB STUMP  
 BOB BURNS  
 DOUG LITTLE  
 TOM FORESE

DOCKETED BY

IN THE MATTER OF THE APPLICATION  
 OF JOHNSON UTILITIES, L.L.C., FOR AN  
 EXTENSION OF ITS CERTIFICATE OF  
 CONVENIENCE AND NECESSITY.

DOCKET NO. WS-02987A-06-0667

DECISION NO. 74976

**ORDER EXTENDING TIME**  
**DEADLINE IN DECISION NO. 70411**

Open Meeting  
 March 2 and 3, 2015  
 Phoenix, Arizona

**BY THE COMMISSION:**

\* \* \* \* \*

Having considered the entire record herein and being fully advised in the premises, the  
 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On October 16, 2006, Johnson Utilities, L.L.C. ("Johnson" or the "Company") filed  
 with the Arizona Corporation Commission ("Commission") an application for an extension of it  
 water and sewer Certificates of Convenience and Necessity ("CC&N") to include developments  
 known as Monterra, Montessa, Florence Plaza, and portions of Walker Butte, all located in Pinal  
 County, Arizona.

2. On July 3, 2008, the Commission issued Decision No. 70411, approving Johnson's  
 application for an extension of its water and sewer CC&Ns, with conditions.

3. Decision No. 70411 required Johnson to file, among other things, within two years of  
 the effective date of the Decision:

a. Copies of the Approval to Construct ("ATC") issued by the Arizona  
 Department of Environmental Quality ("ADEQ") for the facilities needed for Phase 1  
 of each of the developments located within the requested extension area.

1           4.     The Commission also ordered that Decision No. 70411:  
2                 [S]hall not become effective until the first day of the month after Johnson files with  
3                 Docket Control documentation from the Arizona Department of Environmental  
4                 Quality that the Pecan Wastewater System is in full compliance with Arizona  
               Department of Environmental Quality and Staff files confirmation of such compliance  
               with Docket Control, and the current rate case filing is found to be sufficient.<sup>1</sup>

5           5.     On August 6, 2012, the Commission's Utility Division ("Staff") filed confirmation that  
6     Johnson's Pecan Wastewater System was in full compliance with ADEQ. Therefore, Decision No.  
7     70411 became effective on September 1, 2012 and the compliance deadline for Johnson to file copies  
8     of the ATC for Phase 1, were due September 1, 2014.

9           6.     On July 7, 2014, Johnson docketed a letter requesting a two year extension of time,  
10     until September 1, 2016, to file copies of the ATC issued by ADEQ for the water and wastewater  
11     facilities needed for Phase 1 of each of the developments located within the requested extension  
12     areas. Johnson's letter included updated requests for service from the developers of Monterra South  
13     and Monterra North and stated that market conditions have delayed the anticipated start of the  
14     developments.<sup>2</sup>

15          7.     On January 23, 2015, Staff filed a Memorandum stating that Staff does not object to the  
16     Company's request for an extension of time, until September 1, 2016, to file copies of the ATC as set  
17     forth in Decision No. 70411.

18          8.     Johnson has filed a timely request for an extension of the compliance deadline to file  
19     copies of the ATC issued by ADEQ for the water and wastewater facilities needed for Phase 1 of  
20     each of the developments located within the requested extension areas, as required in Decision No.  
21     70411. Based on the developer/property owner's letter demonstrating a continuing need for Johnson  
22     to provide water and wastewater services in the extension areas and Johnson's stated effect that the  
23     economy has had on development in the extension area, we find that Johnson's request for an  
24     extension of time to comply with Decision No. 70411 is reasonable and should be granted. However,  
25     the Commission expects that that any further requests for an extension of time to comply with  
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<sup>1</sup> Decision No. 70411 at 13.

28     <sup>2</sup> On the same date, Johnson filed an amendment to its Section 11 Wastewater Treatment Plant in accordance with  
compliance with Decision No. 70411.

1 Decision No. 70411 should demonstrate that extraordinary circumstances exists that warrant  
2 additional time.

3 **CONCLUSIONS OF LAW**

4 1. Johnson is a public service corporation within the meaning of Article XV of the  
5 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

6 2. The Commission has jurisdiction over Johnson and the subject matter of this  
7 proceeding.

8 3. It is reasonable and in the public interest to grant Johnson's request for a time  
9 extension to comply with Decision No. 70411.

10 **ORDER**

11 IT IS THEREFORE ORDERED that Johnson Utilities, L.L.C. is hereby granted an extension  
12 of time, until September 1, 2016, to comply with Decision No. 70411 by filing copies of the  
13 Approval to Construct, issued by the Arizona Department of Environmental Quality, for the water  
14 and wastewater facilities needed for Phase 1 of each of the developments located within the requested  
15 extension areas.

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IT IS FURTHER ORDERED that any further requests for an extension of time to comply with Decision No. 70411 shall demonstrate that extraordinary circumstances exists that warrant additional time.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

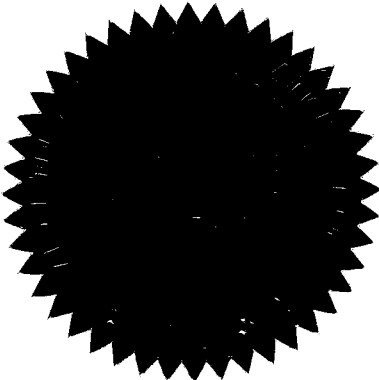
CHAIRMAN

COMMISSIONER

COMMISSIONER

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COMMISSIONER



IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 16th day of March, 2015.

JODI JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
YK:ru

1 SERVICE LIST FOR: JOHNSON UTILITIES, L.L.C.

2 DOCKET NO.: WS-02987A-06-0667

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